

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WAYNE BLACK,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.: 1:03-CV-734-MEF
v.)	
)	
LAMAR GLOVER, et al.,)	
)	
Defendants.)	

**SPECIAL REPORT RELATED TO DISCUSSIONS
WITH PLAINTIFF FOLLOWING PRETRIAL HEARING**

Come now Defendants, **SHERIFF LAMAR GLOVER** and former Commander **WALTER L. BOWERS**, with regard to the undersigned's meeting and discussions with plaintiff following the Pretrial Hearing of September 5, 2006 and reports to this Honorable Court as follows:

- A. Pursuant to this Court's instruction, the undersigned met with the plaintiff following the Pretrial Hearing in this case on September 5, 2006, and discussed with plaintiff the factual findings of the Magistrate Judge and per those discussions the undersigned reports to the Court that the plaintiff and defendants stipulate and agree that the following statements are correct statements of fact for purposes of the pretrial order and the trial of this case:

1. Walter L. Bowers is the former Commander for Jail Operations for the Sheriff in the Houston County Jail and was serving in that capacity on July 1, 2003.
2. Lamar Glover is the Sheriff of Houston County and was serving in that capacity on July 1, 2003.
3. On July 1, 2003, officers with the Houston County Critical Response Team and a Critical Response Team for the Alabama Department of Corrections entered the Jail to perform searches for contraband. (See Recommendation of the Magistrate Judge, dated January 18, 2006, Page 2.)
4. Medical records demonstrate that jail officials escorted Black to the jail medical clinic on the date that the incident occurred. At this time, Dr. Sam Banner performed a physical examination of the plaintiff. (See Recommendation of the Magistrate Judge, dated January 18, 2006, Page 3.)

The remaining factual findings contained within the Recommendation of the Magistrate Judge are contested either by the plaintiff or the defendants in this case.

- B. Pursuant to this Court's instruction, the undersigned met with the plaintiff following the Pretrial Hearing in this case on September 5, 2006, and discussed with plaintiff the factual findings in the Recommendation of the Magistrate Judge in this case, dated January 18, 2006. Per those discussions the undersigned

reports to the Court that the plaintiff wants the following included within the plaintiff's contentions of fact for purposes of the pretrial order in this case:

1. Black asserts that members of the Critical Response Team for the Alabama Department of Corrections (i.e. the state officers) assisted by Officer Bush and Officer Boston escorted Black from his cell to conduct the requisite search. Black asserts that at this time and without justification the state officers slammed him to the floor, banged his face on the floor, hit him in the right eye, jumped on his back with their knees and sprayed mace into his eyes. Black complains that defendants Glover and Bowers "watch[ed] the hold (sic) incident" without intervening on his behalf. (See Recommendation of the Magistrate Judge, dated January 18, 2006, Page 2.)
2. Black asserts that he sustained injuries to his right eye, head and back during the altercation and suffered adverse effects from the mace. (See Recommendation of the Magistrate Judge, dated January 18, 2006, Page 3.)

Defendants reserve the right to contest the plaintiff's contentions of fact during the trial of this case.

- C. Pursuant to the Court's instructions, the undersigned met with the plaintiff following the Pretrial Hearing in this case and discussed with the plaintiff the witnesses the plaintiff wanted listed in his witness list for the trial of this cause. The list of said witnesses with an indication of their employment status with the Houston County Sheriff's Office, and if not currently employed by the Sheriff's Office, their last known address is also submitted to the Court as follows:

1. Former Correctional Officer Darien Bush is no longer employed with the Houston County Sheriff's Office. According to the Personnel Director for the Sheriff's Office, Mr. Bush's last known address is 2601 Rockybranch Road, Dothan, Alabama 36301.
2. Former Corrections Officer Anthony Boston is no longer employed with the Houston County Sheriff's Office. According to the Personnel Director for the Sheriff's Office, Mr. Boston's last known address is 903 Woodlawn Drive, Dothan, Alabama 36301.
3. Corrections Officer LaRoderick Roberts, is currently employed as a Corrections Officer in the Houston County Jail. The defendants will make Corrections Officer Roberts available for testimony in the trial of this cause without subpoena. Due to staffing limitations in the jail during the trial of this cause, defendants respectfully request that Corrections Officer Roberts be allowed to be placed "on call" as a witness with the provision that he can be in the courtroom within thirty (30) minutes of when he is notified that he is needed to testify in the trial of this cause.
4. Former Corrections Officer Jacqueline Britt is no longer employed with the Houston County Sheriff's Office. According to the Personnel Director for the Sheriff's Office, Ms. Britt's last known address is 119 South Foster, Apt. 213, Dothan, Alabama 36301.
5. Sergeant Kim Turner is currently employed as a Sergeant and Senior Corrections Officer in the Houston County Jail. The defendants will make Sergeant Turner available for testimony in the trial of this cause without subpoena. Due to staffing limitations in the jail during the trial of this

cause, defendants respectfully request that Sergeant Turner be allowed to be placed "on call" as a witness with the provision that she can be in the courtroom within thirty (30) minutes of when she is notified that she is needed to testify in the trial of this cause.

6. Former Jail Nurse Vallie Hathaway is no longer employed with the Houston County Sheriff's Office. According to the Personnel Director for the Sheriff's Office, Ms. Hathaway's last known address is 1581 County Road 81, Abbeville, Alabama 36310.
7. Darla Speigner is currently employed as a Nurse Practitioner and Medical Clinic Director in the Houston County Jail. The defendants will make Ms Speigner available for testimony in the trial of this cause without subpoena. Due to staffing limitations in the jail during the trial of this cause, defendants respectfully request that Darla Speigner be allowed to be placed "on call" as a witness with the stipulation that she can be in the courtroom within thirty (30) minutes of when she is notified that she is needed to testify in the trial of this cause.
8. Corrections Officer Roy Caine, is currently employed as a Corrections Officer in the Houston County Jail. The defendants will make Corrections Officer Caine available for testimony in the trial of this cause without subpoena. Due to staffing limitations in the jail during the trial of this cause, defendants respectfully request that Corrections Officer Caine be allowed to be placed "on call" as a witness with the provision that he can be in the courtroom within thirty (30) minutes of when he is notified that he is needed to testify in the trial of this cause.

9. Dr. Sam Banner provides contracted professional services as the Medical Director for the Houston County Jail and is not an employee of the Sheriff and even though defendants intend to call him as a witness, plaintiff will need to issue a subpoena for Dr. Banner to be sure that he will be available to testify at the request of the plaintiff. Due to Dr. Banner's private medical practice and the needs of his patients, defendants respectfully request that Dr. Banner, once subpoenaed by plaintiff, be allowed to be placed "on call" as a witness with the stipulation that he can be in the courtroom within one hour of when he is notified that he is needed to testify in the trial of this cause.
10. Sheriff Lamar Glover will be in the courtroom during the entire trial of this case.
11. Former Commander Walter Bowers will be in the courtroom during the entire trial of this case.

Respectfully submitted,

\s\ Gary C. Sherrer
GARY C. SHERRER, ATTORNEY FOR
THE ABOVE-REFERENCED DEFENDANTS
Alabama Attorney Code No. SHE-016

OF COUNSEL:

SHERRER, JONES & TERRY, P.C.
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CERTIFICATE OF SERVICE

I, Gary C. Sherrer, do hereby certify that I have served a copy of the foregoing upon

Wayne Black, AIS #137192
c/o Kilby Correctional Facility
Post Office Box 150
Mt. Meigs, Alabama 36057

by placing a copy of same in the United States Mail, postage prepaid and properly addressed on
this the 7th day of September, 2006.

\s\ Gary C. Sherrer
OF COUNSEL